

WLIB NEWSLETTER

WOMEN LAWYERS IN BERGEN

Volume 13

Fall 2026

There is something about September that always feels a little different. After the long days and slower pace of summer, September seems to bring everyone back. The weather begins to change, children head back to school, vacations wind down, and our calendars suddenly begin filling up again. It is a time to get back into our routines, reconnect with one another, and look ahead to the fall. I hope everyone had a wonderful summer and had the opportunity to spend some time relaxing with family and friends. I am excited to welcome everyone back and to begin what I hope will be a busy, productive, and enjoyable year for Women Lawyers in Bergen.

Our New Membership Year

This September also marks an important change for WLIB. On September 1, we moved to **one annual membership year, running from September 1 through August 31.**

For many years, our members have joined and renewed at different times throughout the year. As WLIB has grown, that system has become more difficult to administer. Moving everyone to the same membership year will make the renewal



process easier for our members and allow us to better manage our membership from year to year.

For me, however, this change is about more than simplifying paperwork. One of my goals as President is to review how we operate and find practical ways to make WLIB more efficient, so we can spend more of our time and resources where they belong, on our members, our programs, and the continued growth of our organization. Having one membership cycle will allow us to better plan our budget and programs, maintain accurate membership records, and spend less time

throughout the year tracking individual renewal dates. It also allows us to begin each WLIB year together.

As we make this transition, I want to be very clear about everyone's current membership status. All prior WLIB memberships have now expired, except for members who joined or renewed WLIB on or after January 1, 2026. If you joined or renewed between January 1, 2026, and September 1, 2026, you are being grandfathered into the new membership cycle, and your membership will remain active through August 31, 2027, at no additional cost. If you did not join or renew during that period, your previous membership has expired, and you will need to renew for the new membership year. If you are not sure when you last joined or renewed, simply sign in to *continued on page 12*

WLIB Membership

To renew or begin your membership with WLIB
please go to www.womenlawyersinbergen.org.

If you have any questions regarding membership,
please contact Kohar Boyadjan, Esq., Membership Chair
at 201-968-5800 x 213 or kohar@damelegal.com.

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Governor Sherrill's Executive Order 17: Your Clients' Communities Are On The Map. But Will It Actually Solve New Jersey's Housing Crisis?

By: Carmela Novi, Esq.

The EO Preamble — What the Governor Found

Before setting out its directives, Executive Order 17 (“EO17”), signed by Governor Sherrill on April 27, 2026, establishes the factual foundation driving the administration’s urgency. It builds on Executive Order 1, signed on January 20, 2026, in which Governor Sherrill announced that the top priority of her administration is affordability for all New Jersey residents and families. The relevant findings, reproduced directly from the Order:

“More than one-third of households, and more than one-half of renters, pay over thirty percent of their income for housing in New Jersey.”

“Housing costs have risen dramatically for New Jersey residents in recent years, with data showing that housing costs rose by thirty percent between 2021 and 2023, which is far faster than wage growth.”

“The median home price in New Jersey is above \$500,000, the median monthly rent is more than \$1,800, and average rents have reached over \$3,000 in some parts of the State.”

“New Jersey needs to build and preserve tens of thousands of homes over the next ten years in order to address housing needs in the State.”

“New Jersey must build and preserve tens of thousands of affordable units to meet the State’s affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel Doctrine and the State’s Fair Housing Act.”

“Meeting the State’s housing needs depends on not only investing in new homes and preserving existing homes, but also making it easier, faster, and less expensive to build in the State.”

None of this will surprise anyone reading this column. The housing crisis is not an abstraction. Renters feel it when searching for a new residence and when a lease comes up for renewal. First-time buyers feel it when they realize that the home their parents bought on a single income is now out of reach on two. In my own family law practice, it presents differently: the family home is almost always the largest asset a divorcing couple owns, and selling it forces questions that go beyond equitable distribution.

Can either spouse afford to stay? Can either afford to leave? The housing crisis does not just price people out of buying. It traps people in situations they are trying to exit. College graduates return to their parents’ homes for extended periods because they cannot afford to live on their own, or in order to save enough for a down payment on a house.

Those of us with clients who are builders and developers hear yet another version: how difficult it has become to develop land in a way where the developer can profit from a product the consumer can afford to rent or buy, given zoning restrictions, Mount Laurel obligations, and municipal resistance.

I live in Montville Township, which has made headlines over the past two years for not one but two notable lawsuits: the first, when the township committee filed suit against its own zoning board after the board voted to approve a 266-unit age-restricted development, granting 20 variances in the process. The other lawsuit, related to a senior housing project, Monarch Communities, LLC v. Township of Montville, reached the NJ Supreme Court, resulting in a July, 2026 decision which tightened the standard developers must meet for inherently beneficial uses by requiring proof that a project will not substantially impair a municipality’s zoning plan. The structural barriers EO 17 is trying to address are deeply entrenched, actively litigated, and producing legal precedent that cuts against the administration’s housing goals even as EO 17 is being implemented.

The Scope of the Council’s Charge:

Paragraph 6 defines what the Council’s recommendations must accomplish:

“The Governing Council is charged with formulating and presenting recommendations...to the Office of the Governor to accelerate construction of housing across the affordability spectrum, preserve existing units, and improve access to housing and homeownership opportunities in New Jersey. The Governing Council shall issue its initial recommendations not later than one hundred fifty days following the effective date of this Order.”

Who Is Running It

EO17 directs the Chief Operating Officer of the Governor’s Office to convene, chair, and appoint members to the Housing

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Guardianship Demands Due Process: *In the Matter of F.M.W.* Reinforces the Required Procedural Safeguards

By: Valerie A. Vladyka, Esq.

In its recent published decision, *In the Matter of F.M.W.*, 483 N.J. Super. 395 (App. Div. 2026), the Appellate Division emphasized that the procedures governing incapacity and guardianship proceedings are not mere formalities. Because a judgment of incapacity may deprive an individual of the fundamental right to make personal, medical, residential, legal, and financial decisions, courts must strictly adhere to the procedural protections afforded under New Jersey statutes and Court Rules.

The Facts of the Case

F.M.W. suffered from advanced Alzheimer's dementia and lived with her sister, R.W., who served as her caregiver and was F.M.W.'s only relative. R.W. also served as F.M.W.'s agent pursuant to a durable power of attorney executed in 2014. In late 2023, Adult Protective Services ("APS") received an anonymous report alleging that R.W. had removed F.M.W. from a facility without arranging adequate in-home services and was unable to provide appropriate care. During its investigation, APS learned that F.M.W. had missed or cancelled several medical appointments and that her home-health aide had stopped providing services. F.M.W.'s former aide reported concerns about F.M.W.'s hygiene, including soiled clothing, an odor around her, and occasions when she was found curled up in a fetal position.

Two physicians evaluated F.M.W. and collectively concluded that she suffered from advanced Alzheimer's dementia and severe cognitive impairment, was unable to govern herself or manage her affairs, and required a plenary guardian. In June 2024, APS filed a verified complaint with the probate court seeking appointment of the Office of the Public Guardian for Elderly Adults as guardian of F.M.W. R.W. filed an answer to the complaint denying the challenges to the care that she provided to her sister. The court-appointed counsel for F.M.W., interviewed F.M.W., R.W., and other individuals familiar with the circumstances, some of whom spoke anonymously. Counsel reported concerns regarding F.M.W.'s weight, medical care, and R.W.'s ability to serve as guardian. Court-appointed counsel also reported that during counsel's home visit, F.M.W. was appropriately dressed, had appropriate hygiene, and had a clean and tidy bedroom.

The probate court conducted a telephonic hearing. Incapacity itself was not disputed. The central issue was whether R.W. should serve as guardian or whether the Public Guardian should be appointed instead. R.W. denied many of the allegations concerning her care of F.M.W. and sought appointment as guardian. Despite the statutory preference for family members and F.M.W.'s prior designation of R.W. as her agent under a durable power of attorney, the probate court appointed the Public Guardian. It did so after reviewing the physicians' certifications

and the court-appointed attorney's report, but without taking live testimony, allowing cross-examination, or making detailed findings of fact concerning F.M.W.'s incapacity, whether a limited or general guardianship was necessary, or why appointing her sister would be contrary to F.M.W.'s best interests.

The Appellate Division held that this procedure was inadequate, finding that the probate court failed to comply with the procedural requirements governing the guardianship determination in two main respects.

First, although the parties did not dispute F.M.W.'s incapacity, the probate court was nevertheless required to independently consider the evidence and find, by clear and convincing evidence, that F.M.W. was incapacitated and in need of a guardian. The absence of a dispute as to F.M.W.'s incapacity did not relieve the court of its independent obligation to make the requisite findings by clear and convincing evidence.

Second, after determining incapacity, the probate court was required to decide whether F.M.W. needed a limited or general guardian and who should serve in that role. Because the selection of the guardian was contested, the parties were entitled to limited discovery and a plenary hearing where they could present evidence, call witnesses, and test the credibility of adverse witnesses through cross-examination. Reliance on the report of court-appointed counsel, physician certifications, and arguments of counsel was insufficient to resolve disputed factual allegations bearing directly on R.W.'s fitness to serve as guardian.

The Appellate Division noted that the probate court was also required to consider F.M.W.'s previously executed durable power of attorney appointing R.W. as her agent. Although the power of attorney was not dispositive, it reflected F.M.W.'s wishes expressed before her incapacity and therefore had to be addressed. The court likewise had to apply the statutory preference favoring family members and explain why appointing R.W. would be affirmatively contrary to F.M.W.'s best interests before turning to the Public Guardian.

The Governing Statutes and Court Rules

The opinion provides a useful roadmap of the statutory and procedural framework governing adult guardianships.

Rule 4:86-2 requires the action to begin with a verified complaint supported by certifications or affidavits from two physicians, or from one physician and one licensed practicing psychologist. Those submissions must include, *inter alia*, the diagnosis, prognosis, factual basis for the professional's opinion,

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DAVID BALDACCI

"Action-packed and thought-provoking... an unforgettable read."
—Associated Press

NO MAN'S LAND

Book Review

Reviewed By: Tamra Katcher Esq.

No Man's Land

By David Baldacci

I have been practicing criminal law for almost 27 years. One would think that my choice of entertainment would be anything other than criminal law and

investigations...but for me that is not the case. I gravitate toward the stuff – give me a novel about an FBI investigation, or something about a spy trying to bring down a corrupt government and I am all in! This is why over the years I have been drawn to books by Baldacci.

No Man's Land highlights one of Baldacci's recurring characters, John Puller, Jr. John is the son of a highly decorated, retired three-star Army general who is now in a nursing home and suffering from dementia. John Jr. is an Army Criminal Investigation Department, or CID, investigator while his older brother, Robert, is an Air Force Major working overseas.

Thirty years ago, while Puller Sr. was on active duty, Puller's mother, Jackie, disappeared. The Army

conducted a full investigation, but the case had gone cold, and the family had moved on, accepting the sudden and unexplained loss of the family matriarch.

Suddenly, CID shows up at the nursing home and confronts Puller Sr. with a letter from Jackie's friend, Lynda Demirjian, accusing Puller Sr. of murdering his wife. Puller Jr. and Robert know...or believe...that such an accusation was far-fetched. However, both men realize that their mother's disappearance remained unsolved, and now more than ever it was about time that someone solved the mystery.

Puller Jr., with help from Robert, and others in the CID circle, pick up the ball where the old investigation left off – determined to find out what happened to Jackie Puller. Unbeknownst to them, the Army had a secret project that, if the Pullers were successful, would be disclosed. Notwithstanding each of the Puller men's lifelong dedication and service to their country and the Army, the intersection of their personal mission and the Army's need for secrecy collide. The attempt to keep the Army's secret under wraps thwarts their efforts at every turn – until the secret is revealed and the Puller family finds its answer.

I cannot count how many Baldacci books I have read over the years. I enjoy all the different leading and supporting characters in his books. The Puller family is no different. This story in true Baldacci fashion has so many twists and turns that I did not know what direction

it was going until the very end. The infusion of Army politics and the personal angst suffered by the Puller family while they relived the time just prior to Jackie's disappearance kept the story moving and interesting. The book was a fast read due to the strong storyline. I recommend this book, as well as other Baldacci books. You will find yourself getting to know the characters in each of Baldacci's series and want to see how they fare in each of their stories.

Until next time – happy reading! 🐾



Congratulations to WLIB on its Anniversary!

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Barbara B. Comerford is a Lawline Faculty member who presents national seminars on ERISA LTD and Disability insurance claims. She has also conducted seminars throughout the country on Social Security Disability law.

GGs v. ACB – A Holistic and Balanced Approach to *Silver v. Silver* and Final Restraining Orders in Domestic Violence Cases

By Tamra Katcher, Esq.

On May 5, 2026, the Appellate Division decided *GGs v. ACB*, Docket No. A-3315-24. The court addressed whether a singular “sufficiently egregious” act of domestic violence is sufficient to demonstrate the need for a domestic violence victim to receive the protections of a Final Restraining Order (FRO). The caselaw in this area *does* provide for the entry of a FRO if the underlying singular offense is sufficiently egregious. However, contrary to established caselaw, the trial court disagreed and dismissed the Temporary Restraining Order (TRO).

The facts and procedural history are as follows.

The parties were in a brief dating relationship. On their second date, Plaintiff told Defendant that she did not intend to have sex with him. Defendant asked Plaintiff numerous times to explain her position and tried to pressure her into changing her mind. After the date, Defendant took Plaintiff home and later, via text, apologized for his behavior. Plaintiff did not intend to see Defendant again, but their mutual friend encouraged her to give him another chance. Plaintiff met Defendant at a public park and explained how their last date made her uncomfortable. Defendant stated that he understood, and Plaintiff agreed to go on another date.

The parties’ third date was in the late evening. Plaintiff wore baggy pajamas and went to Defendant’s house. Plaintiff intended just to go to sleep, but Defendant became annoyed that she came over just to sleep. Plaintiff agreed to watch a movie, and the couple started to kiss and then undress from the waist up. Plaintiff stopped Defendant from removing her pants, reiterating several times that she did not want to have sex with him. Defendant strangled and raped Plaintiff and then drove her home apologizing for his behavior. Plaintiff filed a TRO a few days later.

At trial, Plaintiff testified about the rape and strangulation, as well as their prior interactions. She testified that she would be attending the same college as Defendant in the fall, that she and Defendant would be in the same or adjacent buildings for classes, had mutual acquaintances, and Defendant knew where she lived and worked. She also testified that she plays softball and was afraid to go to the last few games of the season because Defendant works alongside the trainer for Plaintiff’s softball team. Plaintiff testified that she did not feel safe.

Defendant testified but denied Plaintiff’s allegations.

The trial court found Plaintiff was “more credible” and “inherently believable”. The Court found that Plaintiff proved by a preponderance of the evidence that Defendant had committed

a predicate act of sexual assault against her. Thus, Plaintiff had sustained her burden under the first prong of *Silver v. Silver*, 387 N.J. Super. 112 (App. Div. 2006). However, the trial court did not find that Plaintiff had met her burden under the second prong of *Silver, supra*, requiring the court to determine “whether a domestic violence restraining order should be issued.” *Silver, supra* at 127. The trial court noted that the parties live in different towns, had no previous history of domestic violence, and Defendant’s text messages noted his remorse for his behavior. The trial court believed that it had to conclude that Plaintiff was in “immediate danger” to issue a FRO.

After issuing its opinion dismissing the TRO, the trial court told Defendant that if he sees Plaintiff on campus that he must turn the other way and not have contact with her. The trial court characterized the denial of the FRO as Defendant’s “getting a break”.

The Prevention of Domestic Violence Act (PDVA) was adopted to “assure victims of domestic violence the maximum protection from abuse the law can provide.” *GM v CV*, 453 N.J. Super. 1, 12 (App. Div. 2018). The application of the law should be “liberally construed to achieve its salutary purposes.” *Cesare v. Cesare*, 154 N.J. 394, 412 (1998). The burden on Plaintiff is by a preponderance of the evidence and is two-fold: whether an act(s) of domestic violence as defined by N.J.S.A. 2C:25-19(a) has occurred; and, whether a FRO is necessary to protect Plaintiff from “immediate danger or to prevent further abuse.” *Silver v. Silver*, 387 N.J. Super. 112 (App. Div. 2006).

The first step requires plaintiff to demonstrate a domestic violence relationship exists. N.J.S.A. 2C:25-19(d) defines a victim of domestic violence as

any person who is 18 years of age or older and who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. “Victim of domestic violence” also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. “Victim of domestic violence” also includes any person who has been

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Even though summer has come to an end, there are still fun ways to enjoy the Jersey Shore through the fall. The Lighthouse Challenge runs during the 2-day weekend of October 17-18, 2026. Participants are challenged with visiting 11 lighthouses, 4 life saving stations and 1 museum during the weekend. Stamps are provided at each site and challenge finishers earn a commemorative prize. If the challenge is not an option, consider visiting one of NJ's 11 lighthouses that are open to the public – most are free or the admission charge is nominal. It is a fun and easy trip to explore the coast and learn about maritime history.

Here is a short list of NJ lighthouses worth visiting. Not all of the lighthouses are climbable, so you can still visit if you're afraid of heights or climbing is not an option:

Old Barney – Barnegat Light, Long Beach Island

Did you know that Old Barney was designed by George Meade (Union commander at Gettysburg) and built in 1859? Its red and white colors are iconic. Although it was not easy, my family and I recently climbed all 217 steps and the view was worth the work! We participated in a special nighttime climb that was spectacular – the sun was setting and we could see for miles! Old Barney is free to climb Labor Day through Memorial

Day, Monday through Friday 9-3. Tip – check out special events like the nighttime climb for a unique experience!

Absecon Lighthouse – Atlantic City

The Absecon Lighthouse is the tallest in the state and third tallest in the country at 171 feet tall! It was built in 1857 and is the only NJ lighthouse with the original first order Fresnel lens still in use. Like Old Barney, it was designed by George Meade. It stands as the oldest structure in Atlantic City. The lighthouse was recently restored but be prepared – you'll have to climb 228 steps to get to the top.

Cape May Lighthouse – Cape May Point

Cape May's Lighthouse is one of the most popular tourist attractions at the shore – over 2.5 million people have climbed its 199 steps to the top. The lighthouse is part of the Cape May Point State Park. A combo ticket of \$18/ adult and \$12/kid includes the lighthouse and the World War II Lookout Tower.

East Point Lighthouse – Maurice River/Delaware Bay

East Point is the second oldest lighthouse in New

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Weekend Getaway

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Jersey and is still used by the U.S. Coast Guard. It's one of the most photographed due to its trademark red roof and Cape Cod design. East Point sits at a critical location for shorebird migration.

Hereford Inlet Lighthouse – North Wildwood

The Hereford Inlet Lighthouse was built in 1874 and is still used by the U.S. Coast Guard. In addition to the lighthouse, visitors can enjoy the gardens and maritime history exhibits. The lighthouse is the most recognized feature of Five Mile Island.

Sandy Hook Lighthouse – Highlands

Sandy Hook is NJ's northernmost lighthouse and is part of the Gateway National Recreation Area. It is the oldest working lighthouse in the country and its light remains on 24 hours per day. It has been operated continuously for over 260 years! Fun fact: Sandy Hook Lighthouse survived attempted destruction during the Revolutionary War.

Sea Girt Lighthouse – Sea Girt

The Sea Girt Lighthouse tower was built into the original living quarters which makes it distinct from the others. It's open every Sunday, 2-4pm from May through November.

Twin Lights Lighthouse – Highlands

Twin Lights' two tower design makes it unique – it's the only one of its kind in the country! It was the site of the first U.S. wireless telegraph demo and was the first lighthouse to use electricity in 1898. Twin Lights is open all year, 10-4 Wednesday through Sunday and admission is free for both the lighthouse and the museum. Tip: this is a great spot for NYC views!

New Jersey's rich maritime history and abundance of lighthouses make a great a day or weekend trip along our own coast. Most lighthouses include a museum with gardens or grounds to enjoy and admission is often free. Visiting a NJ lighthouse is fun for all ages! Happy exploring! 🐦



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Dinner with Sheila

September 9, 2026



Presidents Message

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your account on the WLIB website to check your membership information.

I know this is a change from the way we have handled membership in the past, and I want to make the transition as easy and clear as possible. Once we are through this first year, everyone will be on the same September-to-August schedule, making membership much simpler for both our members and WLIB. Going forward, our annual renewal period will open on June 1, giving everyone plenty of time to renew before the new membership year begins on September 1. All members will register online, including those who prefer to pay by check. Law clerks and law students will continue to receive complimentary membership, but they will also register online so that we can keep our membership records current and make sure everyone stays connected to WLIB.

Updating Our Bylaws & Reenergizing Our Committees

The membership process, however, is only one area I hope we can improve this year.

Another important goal of mine is to review and revise WLIB's bylaws, including a close look at our committee structure. We currently have approximately 17 committees. Over time, some of their responsibilities have begun to overlap, while others have become difficult to keep active. I want to streamline our committee structure to approximately seven to ten strong, active committees with clearly defined responsibilities. The goal is not simply to have fewer committees. The goal is to have committees

that actually work, and that can be sustained from year to year.

And that is where I need your help. We need members willing to serve as Committee Chairs and Co-Chairs, and, just as importantly, we need members willing to join and participate in our committees. A committee cannot succeed if one Chair does all the work. It works when several people are willing to contribute, whether that means helping organize a program, making a few phone calls, reaching out to a speaker, assisting with an event, or simply bringing a new idea to the table. Many hands make light work.

So, as we begin this year, I am asking everyone to consider getting involved. Chair a committee. Co-chair one with a colleague. Join a committee. Help with one event or one project. You do not have to make an enormous commitment to make a difference.

If we have active committees with members sharing the responsibility, no one person has to take on too much. We also hear from more members, get different ideas and perspectives, and give more people an opportunity to become involved in WLIB. Our committees should also be one of the places where we develop the next generation of WLIB leadership. You do not need to be on the Executive Board to have a voice in this organization. Serving on a committee is a great way to get to know other members, become more involved, and have a say in the programs and initiatives we undertake.

Our organization will only be as active and successful as our members make it. I truly hope that this year we see some new faces stepping forward alongside the many members who

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Presidents Message

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have generously given their time to WLIB over the years. I hope that by simplifying our committee structure and involving more members, we can build committees that are active, manageable, and sustainable for years to come. Our committee review has been focused on reducing overlap while creating more meaningful opportunities for members to participate and lead.

Mark Your Calendars: What's Ahead at WLIB

We also already have something special to look forward to this Fall. I am very pleased that our Judges and Law Clerks Luncheon will be held on Friday, October 16, 2026, at the Bergen County Courthouse. The Judges and Law Clerks Luncheon has always been a special WLIB event, and I am very pleased that we will once again have the opportunity to bring our members, members of the judiciary, and this year's law clerks together.

I hope many of you will join us and help welcome the new law clerks. For those just beginning their legal careers, having the opportunity to meet judges and attorneys in a relaxed setting, make connections, and learn more about WLIB, can be incredibly valuable. I also hope we can introduce them to what makes WLIB such a supportive organization and encourage them to stay involved with us as their careers develop. Additional details will follow, and I look forward to seeing many of you there.

Fall is a time for new beginnings, and in many ways, that is where WLIB finds itself. We have a new membership year, we are beginning the process of updating our bylaws and committees, and we have a full year of programs and opportunities ahead. But none of it happens without our members.

I hope you will join us, not only by renewing your membership and attending our events, but by becoming involved. If each of us is willing to do a little, together we can accomplish a great deal.

I am looking forward to seeing everyone this Fall and to working with all of you to make this a wonderful year for Women Lawyers in Bergen. 🙌

Warmly,
Sheila E. O'Shea-Criscione

Guardianship Demands

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the extent of the alleged incapacity and whether the individual retains the ability to make decisions in particular areas.

Under **Rule 4:86-4**, the court must schedule a hearing, provide notice to the alleged incapacitated person, and other persons identified by the Rule and, if the alleged incapacitated person is not already represented, appoint counsel to represent that person. Appointed counsel must personally interview the client, investigate the client's circumstances, and make reasonable inquiry into any existing will, power of attorney, health care directive, or beneficial interest under a will or trust, or other document expressing the client's preferences previously executed by the client. Counsel's report must

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FINCEN Update

On August 11, 2026 FinCEN issued a final rule exempting US Companies and US persons from beneficial ownership reporting under the Corporate Transparency Act. See, [Interactive Legal Blog](#), "Finally, a CTA Final Rule!" 8/14/2026.



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Announcements

Our condolences to our member and Past President, Janet Lurie, and her family, on the passing of her husband, Harvey, on August 21, 2026. Harvey was born in the Bronx, New York, he moved to Queens as a teenager, graduated Flushing High School and Jersey City State College. A 1975 graduate of New Jersey College of Medicine and Dentistry, Dr. Lurie had a private dental practice in Westwood, New Jersey for 45 years and he was on numerous hospital boards serving local communities in Bergen and Passaic

counties. The family asks that any donations in memory of Harvey be made to the charity of your choice.

As of January 1, 2027 the new official address of Women Lawyers in Bergen will be:

Women Lawyers in Bergen
c/o Carcich O'Shea, LLC
401 Hackensack Avenue, Suite 707
Hackensack, New Jersey 07601

Notice to Readers

When you are considering changing a vendor or are seeking a specialist, please consider those who advertise in our newsletter.

Thank you.

CONGRATULATIONS

to WLIB on its Legacy of
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We celebrate our
colleague Tamra Katcher
and past WLIB presidents
for their dedication
and congratulate
all incoming officers.

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Executive Order

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Governing Council. That COO is Kellie Doucette. The co-chairs, drawn from the agencies specifically named in EO17, are DCA Commissioner Jacquelyn A. Suárez, NJHMFA Executive Director Melanie Walter, NJEDA CEO Evan Weiss, and NJ Transit President and CEO Kris Kolluri. Also seated on the Council are representatives from the Department of Law and Public Safety and the Department of the Treasury, plus any additional executive branch representatives Doucette chose to appoint.

The Three Deadlines Embedded in EO17

The first deadline required the Housing Governing Council to be convened by June 11. That deadline was met.

The second deadline, June 27, required every executive branch department and agency that is a part of the Council to submit a written housing affordability report to the Council covering land inventory, regulatory barriers, existing investments, and recommendations for streamlining. That deadline was met as well.

The third and final deadline, September 24, requires the Council to issue its recommendations to the Governor's office. That deadline falls close to our publication date. What the Council produces, and what the administration chooses to announce publicly at the Governor's Conference on Housing and Economic Development on September 29-30 in Atlantic City, will be reported in our next issue.

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Young Lawyers Corner

The Young Lawyers Committee of Women Lawyers in Bergen meets on the 1st Wednesday of every month. Each meeting is hosted by one of the members. If anyone would like additional information including the location of the next meeting or are interested in joining the Committee, please contact Alexandra L. Quirke, Esq. at aquirke@mfmcclaw.com.

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Executive Order

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Sealed From Public View — The OPRA Exemption

There is an OPRA exemption embedded in EO17 so that whatever is deliberated inside the Council will never be accessible to the public, under Paragraph 8, which reads:

“Any reports, records, recommendations, or other information created pursuant to this Order shall constitute advisory, consultative, and deliberative materials for the Governor’s review and shall be deemed to be confidential, non-public, and not subject to the Open Public Records Act, P.L.1963, c.73, as amended and supplemented.”

Shielding executive deliberative processes from public disclosure is not unheard-of. Governors invoke this protection to give agencies space to offer candid advice and consider options without every preliminary report or draft recommendation becoming the subject of immediate litigation or lobbying. What is worth examining, however, is what it means in practice. Recommendations that will shape housing policy for years will be formed behind closed doors.

Those recommendations are now in the Governor’s hands, and whatever gets announced at the Governor’s Conference is the public version. The deliberative record that shaped it is outside public reach permanently.

The NJ Transit LAND Plan — Where EO 17 Could Get Concrete

The most tangible mechanism through which EO 17 could produce housing runs through NJ Transit. Launched in October 2025, before EO 17 was signed, the LAND Plan (Leveraging Assets for Non-farebox Dollars) is a 30-year strategy to develop NJ Transit’s 8,000-acre statewide real estate portfolio into housing, transit-oriented development, retail, and industrial uses. Projected outcomes include up to 20,000 new housing units, \$1.9 billion in potential revenue, and \$14 billion in state economic activity. By the time EO 17 was signed on April 27, 2026, the LAND Plan was already in active developer engagement, as NJ Transit had held its first Industry Day on April 21, showcasing eleven sites planned to go to market in 2026 and 2027.¹

Before the LAND Plan, nothing legally prevented developers from approaching NJ Transit about agency-owned land near NJ

Transit stations. However, the LAND Plan created a publicly searchable map of NJ Transit-owned parcels statewide, established a formal and competitive RFP process, and made an explicit institutional commitment that real estate development is an agency priority with a real estate team that now has the authority to move proposals forward. That combination of inventory, process, and political will could spur housing development around Bergen County stations that has long been theoretically possible but practically elusive. Developers and municipalities with an interest in NJ Transit-owned parcels near existing Bergen County stations may submit unsolicited development proposals directly to NJ Transit under the LAND Plan’s open solicitation process.

This means that NJ Transit’s land inventory, its development recommendations, and its agency report submitted under the June 27 deadline are all part of the deliberative record, but sealed under Paragraph 8.

The LAND plan’s limitations include that it cannot override municipal zoning. Even on land NJ Transit owns, municipal cooperation is required, and that is where projects can stall. What EO 17 will not move on its own is municipal zoning. That requires the Legislature. That is a material constraint on how much housing the LAND Plan can actually deliver, and it is one that neither the LAND Plan nor EO 17 resolves.

Bergen County was not among the initial eleven sites selected for the first wave of LAND Plan development. However, a potential Bergen County catalyst is the proposed Northern Branch Extension of the Hudson-Bergen Light Rail, an eleven-

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Footnotes

1. Notably, Paragraph 5 of EO17 freezes state land transactions until each agency demonstrates compliance:

“Consistent with applicable law, until an Executive Branch department or agency has complied with the directives in Paragraph 4, the Executive Branch department or agency shall not dispose of property it owns without the approval of the COO.”



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Executive Order

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mile corridor planned to run through Fairview, Ridgefield, Palisades Park, Leonia, Englewood, and Tenafly. If that extension proceeds past its current environmental review stage, the land surrounding those new stations becomes prime territory for future LAND Plan phases.

Will EO17 Actually Work?

The structural barriers, including municipal resistance to zoning changes, NIMBY litigation, construction costs, and Mount Laurel Doctrine implications, are not solved by interagency coordination. They require legislation, funding, and political will at the State and municipal level that a Governor's council cannot compel.

The Funding Question

Several funding mechanisms might come into play once the EO17 recommendations are announced. The FY2027 budget, signed July 1, 2026, reduced diversions from the Affordable Housing Trust Fund² by more than \$70 million, freeing \$30 million for new construction. The fund that is legally dedicated to building affordable homes in New Jersey is still not being fully used for that purpose.³

NJHMFA's State Tax Credit Subsidy Program, launched in October 2025 and described by the agency as the first program of its kind at this scale by any state, provides an additional financing mechanism. The program sells New Jersey state tax credits to corporations at competitive auction. Businesses receive a reduction in their state tax liability, and NJHMFA

uses the proceeds to finance affordable and workforce housing development, effectively turning private tax savings into public housing investment. The spring 2026 auction raised \$40 million. A fall 2026 auction of approximately \$60 million in additional credits has been announced. Half the proceeds support affordable housing obligations; the remaining half funds workforce housing for middle-income families.⁴

Pending legislation may provide a more reliable long-term funding stream. Senate Bill S3103⁵ and its mirror bill, A1737⁶, propose dedicating fifty percent of revenue from New Jersey's revised mansion tax to the Affordable Housing Trust Fund. The mansion tax was recently restructured from a flat one percent buyer fee to a graduated seller fee ranging from one percent to three and a half percent on transactions exceeding one million dollars. If S3103/A1737 passes⁷, it would create a dedicated, recurring revenue source tied directly to high-value real estate activity. Given that the mansion tax is estimated to generate approximately \$300 million annually, the potential contribution to the AHTF would be substantial. S3103 has not yet passed. S3103 has a companion bill, A1737. Neither bill has passed as of this writing.

This Is the Beginning of a Conversation, Not the End of One

As EO 17's recommendations move toward implementation, the consequences will surface differently across practices, in courtrooms, in negotiations, in client intake conversations none of us can fully anticipate yet. What the Council produced and what was publicly announced at the September 29-30 Governor's Conference will be covered in our next issue. *In the meantime, has this already touched your practice or your clients' situations? Write to me at carmela@wlg.com.* 🐾

Footnotes

2. The New Jersey Affordable Housing Trust Fund (AHTF) is a state fund administered by the Department of Community Affairs. It was created to provide financing to nonprofit community developers to build and preserve affordable housing for low and moderate income households across New Jersey.

3. Sources: Governor Sherrill Signs FY2027 Appropriations Act, Office of the Governor, July 1, 2026, nj.gov/governor; SFY27 Budget in Brief, New Jersey League of Municipalities, njlm.org ("The budget proposal also begins restoring the Affordable Housing Trust Fund for its intended purpose, reducing diversions by more than \$70 million and making \$30 million available for new construction"); Housing Advocates Raise Alarm As State Budget Continues to Limit Affordable Home Building, Insider NJ, June 30, 2026 (noting diversions continue and quoting Matthew Hersh, Vice President of Policy and Advocacy, Housing and Community Development Network of New Jersey: "This year's

allocation is an improvement over FY26, but much more is desperately needed"); New Jersey FY2027 Budget Dashboard, NJ.com, njam-mjd.github.io/nj-2027fy-budget ("Diversions reduced by more than \$70 million, making \$30 million available for new construction").

4 Sources: NJHMFA Press Release, October 2, 2025, "NJHMFA Launches First of Its Kind Program to Fund Affordable and Workforce Housing Development," nj.gov/dca/hmfa; NJHMFA Press Release, February 18, 2026, "NJHMFA Auctioning Off \$100 Million in Tax Credits to Support Affordable and Workforce Housing Investments," nj.gov/dca/hmfa; NJHMFA Press Release, July 27, 2026, "NJHMFA Sells \$40 Million in State Tax Credits to Fund Affordable Housing Initiatives and Announces Fall Auction," nj.gov/dca/hmfa.

5. Sponsor list: S3103 Sponsors: Sen. Benjie Wimberly (D), Sen. Vin Gopal (D), Sen. Troy Singleton (D), Sen. Andrew Zwicker (D), Sen. Brian Stack (D), Sen. Gordon Johnson (D), Sen. Joseph Cryan (D), and Sen. Patrick Diegnan (D). **Senator Gordon**

Johnson represents the 37th Legislative District, which includes the Bergen County municipalities of Englewood, Fort Lee, Leonia, Palisades Park, Ridgefield, and Teaneck. Source: LegiScan, NJ S3103, 2026-2027 Regular Session, legiscan.com/NJ/bill/S3103/2026. A1737 Sponsors: Partisan Bill (Democrat 6). Source: LegiScan, NJ A1737, 2026-2027 Regular Session, legiscan.com/NJ/bill/A1737/2026.

6 A1737 Sponsors: Rep. Verlina Reynolds-Jackson (D), Rep. Yvonne Lopez (D), Rep. Carol Murphy (D), Rep. Luanne Peterpaul (D), Rep. Margie Donlon (D), Rep. Joe Daniels (D), and Rep. Katie Brennan (D). No Bergen County Assembly member is among the sponsors. Source: LegiScan, NJ A1737, 2026-2027 Regular Session, legiscan.com/NJ/bill/A1737/2026.

7. As of this writing on 9/13/26, S3101 advanced through the Senate Urban and Community Affairs Committee and has been referred to the Senate Budget and Appropriations Committee. A1737 remains pending in the Assembly Housing Committee.



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Guardianship Demands

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also address any dispositional preferences expressed by the alleged incapacitated person.

N.J.S.A. 3B:12-24 permits the alleged incapacitated person, or someone acting on that person's behalf, to request a jury trial on incapacity. In the absence of a jury request, **Rule 4:86-6(a)** provides that the court shall determine incapacity after taking testimony in open court. With the consent of counsel for the alleged incapacitated person, however, the court may dispense with oral testimony and rely upon the affidavits or certifications submitted under Rule 4:86-2(b). In all events, the court must independently determine incapacity by clear and convincing evidence.

Once incapacity is established, **Rule 4:86-6(c)** requires the court to determine whether the guardianship should be general or limited and whether it should encompass the person, the estate, or both. The inquiry must be individualized; a person who lacks capacity in some areas may retain the ability to make other important life decisions.

In selecting the guardian, **N.J.S.A. 3B:12-25** establishes a statutory order of preference. The court should first consider a spouse or domestic partner, followed by heirs or friends, with the Public Guardian generally serving as a later alternative. The statute also permits the court to consider a surrogate previously selected by the individual through a durable power of attorney, health care proxy, or advance directive.

Finally, **Rule 1:7-4(a)** requires the court to make factual findings and state its conclusions of law. A conclusory determination that a proposed family guardian is "not appropriate" does not permit meaningful appellate review and does not satisfy the court's obligation to explain how the evidence supports its decision.

Why the Court Decided a Moot Appeal

F.M.W. died while the appeal was pending, technically rendering the dispute over the identity of her guardian moot. The Appellate Division nevertheless issued a published opinion because the procedural questions were significant and capable of repetition while evading appellate review.

The decision is particularly instructive. Guardianship matters often involve elderly or medically vulnerable individuals. By addressing the merits despite mootness, the Appellate Division signaled that the procedural safeguards implicated in the case extend beyond the individual proceeding and warrant guidance for future guardianship proceedings throughout the State.

The opinion also recognizes the magnitude of what is at stake. The right to govern one's own affairs and determine one's destiny is grounded in the liberty protections of Article I, Paragraph 1 of the New Jersey Constitution. A guardianship judgment may transfer some or all of that decision-making authority to another person. For that reason, expediency, the parties' consent or absence of a dispute, or even apparently compelling evidence cannot substitute for the court's findings or the court's procedural safeguards required to protect the alleged incapacitated person.

A Practical Reminder

Following *F.M.W.*, courts and practitioners should ensure that every guardianship proceeding includes:

1. A properly verified complaint supported by the required professional evaluations;
2. Appropriate notice and representation by counsel for the alleged incapacitated person where the incapacitated person is not already represented;
3. Investigation of existing powers of attorney, health care directives, and the individual's expressed wishes;
4. Compliance with Rule 4:86-6(a)'s hearing requirements and findings of incapacity by clear and convincing evidence, even when incapacity is uncontested;
5. A separate determination of whether the guardianship should be limited or general;
6. Limited discovery and a plenary hearing, including testimony and cross-examination, when the selection of the guardian is contested;
7. Consideration of the statutory preference for appointing family members and of any previously selected surrogate decision-makers; and
8. Detailed findings of fact and conclusions of law explaining both the scope of the guardianship and the selection of the guardian.

The central lesson of *F.M.W.* is straightforward: when a proceeding may remove an individual's most fundamental decision-making rights, strict adherence to the governing statutes and Court Rules is indispensable. 🖐️

subjected to domestic violence by a person with whom the victim has had a dating relationship.

For the purposes of *GGG v. ACB*, the parties were in a dating relationship having gone on three (3) dates. [dating relationship defined].

A plaintiff then must prove by a preponderance of the evidence that an act of domestic violence, as defined by *N.J.S.A. 2C:25-19(a)*, occurred. The statute outlines nineteen (19) separate criminal offenses that are relevant for purposes of the PDVA. Those offenses are as follows:

- (1) Homicide [N.J.S.2C:11-1](#) et seq.
- (2) Assault [N.J.S.2C:12-1](#)
- (3) Terroristic threats [N.J.S.2C:12-3](#)
- (4) Kidnapping [N.J.S.2C:13-1](#)
- (5) Criminal restraint [N.J.S.2C:13-2](#)
- (6) False imprisonment [N.J.S.2C:13-3](#)
- (7) Sexual assault [N.J.S.2C:14-2](#)
- (8) Criminal sexual contact [N.J.S.2C:14-3](#)
- (9) Lewdness [N.J.S.2C:14-4](#)
- (10) Criminal mischief [N.J.S.2C:17-3](#)
- (11) Burglary [N.J.S.2C:18-2](#)
- (12) Criminal trespass [N.J.S.2C:18-3](#)
- (13) Harassment [N.J.S.2C:33-4](#)
- (14) Stalking [P.L.1992, c.209 \(C.2C:12-10\)](#)
- (15) Criminal coercion [N.J.S.2C:13-5](#)
- (16) Robbery [N.J.S.2C:15-1](#)
- (17) Contempt of a domestic violence order pursuant to subsection b. of [N.J.S.2C:29-9](#) that constitutes a crime or disorderly persons offense
- (18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," [P.L.1991, c.261 \(C.2C:25-17 et al.\)](#)
- (19) Cyber-harassment [P.L.2013, c.272 \(C.2C:33-4.1\)](#)

For the purposes of *GGG v. ACB*, Plaintiff did prove by a preponderance of the evidence that Defendant sexually assaulted and strangled her.

The next step pursuant to *Silver v. Silver, supra*, is whether there is a necessity for a FRO to protect the victim. The court in *Silver* did make clear that a single act of domestic violence does not *automatically* equate to the issuance of a FRO. *Silver, supra* at 124. See also *Corrente v. Corrente*, 281 *N.J. Super.* 243 (App. Div. 1995). The court in *R.G. v. R.G.*, 449 *N.J. Super.* 208 (App. Div. 2017) advises courts to look at the history of the parties' relationship to determine whether the second prong of *Silver* has been met.

N.J.S.A. 2C:25-29(a) provides a non-exhaustive list of factors for the court's consideration in this regard:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and parenting time the protection of the victim's safety;
- (6) The existence of a verifiable order of protection from another jurisdiction; and
- (7) Any pattern of coercive control against a person that in purpose or effect unreasonably interferes with, threatens, or exploits a person's liberty, freedom, bodily integrity, or human rights with the court specifically considering evidence of the need for protection from immediate danger or the prevention of further abuse. If the court finds that one or more factors of coercive control are more or less relevant than others, the court shall make specific written findings of fact and conclusions of law on the reasons why the court reached that conclusion. Coercive control may include, but shall not be limited to:

- (a) isolating the person from friends, relatives, transportation, medical care, or other source of support;
- (b) depriving the person of basic necessities;
- (c) monitoring the person's movements, communications, daily behavior, finances, economic resources, or access to services;
- (d) compelling the person by force, threat, or intimidation, including, but not limited to, threats based on actual or suspected immigration status;
- (e) threatening to make or making baseless reports to the police, courts, the Division of Child Protection and Permanency (DCPP) within the Department of Children and Families, the Board of Social Services, Immigration and Customs Enforcement (ICE), or other parties;
- (f) threatening to harm or kill the

individual's relative or pet;
 (g) threatening to deny or interfere with an individual's custody or parenting time, other than through enforcement of a valid custody arrangement or court order pursuant to current law including, but not limited to, an order issued pursuant to Title 9 of the Revised Statutes; or
 (h) any other factors or circumstances that the court deems relevant or material.

It is these factors and the application of the second prong of *Silver* that was relevant for this case. The *GGC* court interpreted the risk factor by quoting from *CR v. MT*, 257 N.J. 126, 146 (2024), a case decided under the Sexual Assault Survivor Protection Act (SASPA), and stated "the plain language of factor two thus requires a court to consider whether there is a chance that a survivor may be exposed to physical danger, risk, or injury, or may be exposed to something emotionally unwelcome or unpleasant that could make them feel uncomfortable, unhealthy, or unhappy." The evaluation of this factor was also deemed to be "permissive" and "lenient" and "easily satisfied." *Id.* The *GGC* court further qualified this analysis by noting that "the greater the level of violence that is proven, the easier it is for a plaintiff to satisfy the second prong of the *Silver* analytical paradigm."

The *GGC* court then reaffirmed the holding in *Cesare*, *supra*, that a court must consider *all* the factors set forth in the statute to determine the need for a FRO, but is not "obligated to find a prior history" before entry of a FRO as it is just one in several factors to evaluate. The court held that the prior history of domestic violence is not a *material element* to be proven in every case in order to grant a FRO. A "sufficiently egregious" act of domestic violence may be sufficient under the law for an FRO notwithstanding the lack of prior history between the parties. *See Cesare, supra*.

The *GGC* court qualified what would be considered a "sufficiently egregious" act by referencing the decision in *AMC v. PB*, 447 N.J. Super. 402, 417 (App. Div. 2016). The *AMC* court, quoting *Silver, supra*, opined that an act of domestic violence which "inherently involves the use of physical force and violence"

would support the entry of a FRO. *See also SK v. JH*, 426 N.J. Super. 230 (App. Div. 2012). The *GGC* court further honed its definition of "sufficiently egregious" by stating that an offense that involves "serious physical violence" such as one subject to the No Early Release Act, N.J.S.A. 2C:43-7.2, may be appropriate for the entry of a FRO without a prior history, whereas a lesser offense without the prior history may not be appropriate for the entry of an order. Finally, the *GGC* court cautioned that finding a serious predicate act does not automatically require a court to issue a FRO, and that there are "no mandatory FROs" under the law. Each court must assess risk of future violence based on a case-sensitive analysis, but when faced with a greater level of egregious behavior the need for an FRO increases.

Focusing on the strangulation aspect of the case, the *GGC* court, quoting *Commonwealth v. Moore*, 709 SW 3d 241, 258 (2025), stated "strangulation is one of the most accurate predictors for the subsequent homicide of victims of domestic violence...there are few offenses as indicative of an intent to control, harm and/or kill than strangulation." The court held that strangulation by itself can be "sufficiently egregious" for the entry of a FRO, although still cautioning that it is not automatic.

Finally, in assessing the second prong of *Silver*, the *GGC* court noted that "the goal of a permanent FRO is to ensure not just immediate but long-term protection. The PDVA, in other words, does not require proof of a threat so imminent that it would be expected to come to fruition instantaneously." Future potential incidents may not be similar to the predicate act in the TRO, but future interactions may be "harmful to a victim who is already scarred and made vulnerable." A FRO limits interactions between the parties to protect the victim's well-being as a whole.

Based on its analysis, the *GGC* court reversed the trial court's dismissal of the TRO and remanded for further proceedings. Interestingly, the Defendant-Respondent never submitted a brief for the appellate panel's consideration.

The *GGC* case affirms many aspects of TRO/FRO caselaw by reiterating that courts must weigh a variety of factors before deciding whether to grant a restraining order. The court also took a "common sense" approach to this analysis by holding that a single egregious act of domestic violence can fulfill the factors outlined in *Silver*. The *GGC* opinion reminds courts to review cases holistically and not just check boxes in a list. Courts must endeavor to review the entire case and facts to make a ruling. This opinion should guide attorneys who practice in this area to remind the court that the *Silver* factors must be analyzed qualitatively and not quantitatively in order to fulfill the goals of the PDVA to protect the victims of domestic violence. 🐾

Jean Robertson Update

Our Scholarship Fund Has a New Name!

The votes are in! The new name of the WLIB Scholarship Fund is:

Women Lawyers in Bergen Scholarship Fund

We are also looking for members who would like to join the Scholarship Committee. WLIB would like to review and update the scholarship application

and criteria used to identify deserving candidates for scholarship awards.

If you are interested in serving on the committee and helping shape the future of the scholarship program, please contact Sheila O'Shea Crisciune. We would love to have you participate. 🐾



Calendar of Events

Please check the WLIB website,
www.womenlawyersinbergen.org
for all events.

Board Meetings are currently being held via Zoom and are open to all members.
If you wish to attend the board meeting go to <https://www.womenlawyersinbergen.org/>
login as a member and you will find the Zoom link for the board meeting.

WLIB is proud to announce its new Mentorship Program!

In this unique program, interested students from Seton Hall Law will fill out a detailed questionnaire to pinpoint the types of law they are interested in and whether they have any specific concerns related to their future careers. An email will then be sent to the WLIB membership asking for volunteers who are best suited to assist the student.

Once a match is made, the mentor and mentee will be given each other's contact information. Mentors are encouraged to reach out to their mentees once a month to touch base, and to invite them to WLIB events. Once enough students are matched with a WLIB member, we will set up a date to have an in-person reception for all current (and future!) mentees and mentors. In future years, this reception will also include past mentors and mentees.

I encourage everyone to participate as we are positive that this program will increase the number of younger attorneys who join WLIB, and foster a supportive community for future young lawyers. If you have any questions or suggestions for this program, please reach out to me at any time.

President

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